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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,817	12/02/2003	Patrick Reinhold	22718	4112

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EXAMINER

ROE, JESSEE RANDALL

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,817

Applicant(s)

REINHOLD ET AL.

Examiner

Jessee Roe

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2 December 2003 and 5 August 2004.

DETAILED ACTION

Claims Status

Claims 9-13 remain for examination and claims 1-8 are canceled.

Response to IDS

The German document 200 14 361, DE 102,08,216 and EP 1,327,692 were not considered in their submitted format. The Examiner considered the equivalent US Publication 2004/0060623 in place of DE 102,08,216. The equivalent for the German document (US 6,524,404) and EP 1,327,692 (US Publication 2004/0129355) were found, considered, and recorded on the accompanying PTO-892 sheet.

Means-Plus-Function Language

Instant claims 9, 10 and 13 contain the following terms written in means-plus-function format, and have been interpreted as follows:

1. "partition means" (claims 9, 10 and 13) is in proper means-plus-function format and is defined in the specification at page 6, lines 22-25 (partitions) for example.
2. "means for heating one of zones to a substantially higher treatment temperature than the other zones" (claim 9) is in proper means-plus-function format and is defined in the specification at page 6, lines 4-14 (electrical coils or burners) for example.
3. "transport means" (claim 9, 10 and 13) is in proper means-plus-function format and is defined in the specification at page 6, lines 10-14 (conveyor) for example.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by
Anderson (US 3,716,222).

In regards to claim 9, Anderson ('222) discloses an apparatus for heat treating materials such as steel and other metal slabs (col. 1, lines 5-11). The apparatus comprises a longitudinally extending furnace (col. 2, lines 35-52); a top and a bottom partition that extend the length of the furnace (col. 3, lines 31-53); a means for heating each zone by applying separate burners to each zone and controlling each burner individually so as to have a different temperature in each zone (col. 3, line 54 – col. 4, line 11); and transport means via moveable supports that convey the workpiece through the furnace (col. 2, 35-52).

In regards to claim 10, Anderson ('222) discloses an apparatus for heat treating materials wherein the partition includes a longitudinally extending top partition above the transport means and a longitudinally extending bottom partition below the transport means forming a gap through which the transport means extends (col. 3, lines 31-53 and Figs. 1-5).

In regards to claim 11, Anderson ('222) discloses an apparatus for heat treating materials wherein the trusses supporting the bottom partition and the top partition are

moveable so that the partition may be adjusted both vertically and longitudinally (abstract, Fig. 10, and col. 8, lines 40-60).

In regards to claim 12 and 13, Anderson ('222) discloses an apparatus for heat treating materials comprised of a plurality of bottom partitions offset from each other and the top partition is moveable so that the positions could be aligned appropriately with the bottom partitions (col. 2, lines 11-24, abstract, and col. 8, lines 40-60). The partitions may be adjusted both vertically and longitudinally (col. 8, lines 40-60). Middle longitudinally extending partitions extend from the top partition and bottom partition and may be aligned vertically between the upper and lower partitions (col. 10, lines 6-24 and Fig. 12).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JR


ROY KING
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